

Serial No. 09/886,373

Reply to Office Action of September 29, 2005

REMARKS/ARGUMENTS

Claims 1, 3, 5-11, 14, 16-18, 21-26, 31, 36-39 and 41-80 were presented for examination and are pending in this application. In a Final Official Office Action dated September 29, 2005, claims 1, 3, 5-11, 14, 16-18, 21-26, 31, 36-39 and 41-80 were rejected. The Applicants thank the Examiner for his consideration and address the Examiner's comments concerning the claims pending in this application below.

I. Finality of the September 29, 2005 Office Action is Premature

This office action cites two new references that have not been previously submitted in an information disclosure statement. An office action citing new grounds of rejection should only be made final when Applicants' amendment necessitates the new grounds of rejection. "Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art." MPEP 706.07(a). Independent claim 47, among others, remains in its original form. In the Final Office Action of September 29, 2005 the Examiner rejects claims 47 using newly cited art.

The effect of these actions is that the Applicants are forced to address the new reference under the constraints of the Office's "after final" practice. Applicants' first opportunity to address this reference comes in response to a Final Office Action. This is clearly not the intent of the after final practice as

Serial No. 09/886,373
Reply to Office Action of September 29, 2005

described in the MPEP. It is respectfully requested that the "made final" status of the September 29, 2005 Office Action be withdrawn.

II. Response to Remarks

Applicants herein amend claims 1, 14, 31 and 47 and respectfully traverse the Examiner's prior rejections. No claims are presently canceled and no new claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. Support for and an explanation of the amendments can be found generally on page 24 of the specification.

The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, Applicants have not and are not narrowing the scope of the protection to which the Applicants consider the claimed invention to be entitled and do not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and withdraw them.

III. 35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1, 5-11 and 51-80 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,666,486 ("Alfieri") in view of U.S. Patent No. 6,493,716 ("Azagury") and in further view of U.S. Patent Publication 2002/0049845 ("Sreenivasan"). Applicants respectfully traverse these rejections in light of the following remarks and aforementioned amendment and respectfully request reconsideration.

Serial No. 09/886,373

Reply to Office Action of September 29, 2005

MPEP §2143 provides:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The cited references fail to teach or suggest all of the limitations recited in the claims as currently amended. For example, independent claim 1 (and in varying language claims 14, 31 and 47) recites among other things, "wherein said centralized system service registers callback actions with said system services coordinator and wherein said system services coordinator processes the registered callback actions for said centralized system service as part of the function coordinated by the system services coordinator and wherein the registered callback actions have levels, correlating to stages of completion of the callback action, that are tunable by the systems services coordinator."

Neither Alfieri, Azagury nor Sreenivasan teach or disclose registration of callback actions with a system service coordinator where the callback actions have levels correlating to stages of completion of the callback action and that the levels are tunable by the system service coordinator. In the Office Action dated September 29, 2005, the Examiner asserts that the registration of callback actions with the system service coordinator is implicit in Alfieri and disclosed in Azagury. The Examiner further contends in his argument with respect to claim 31 (see. *Id.* Para. 65) that callback actions having multiple levels are disclosed by Alfieri. Alfieri fails to disclose, however, the ability to adjust the levels of the

Serial No. 09/886,373

Reply to Office Action of September 29, 2005

callback actions, correlating to stages of completion for the action, to ensure each system run completes any specific level before proceeding to the next level and to accommodate the fact that each service component may have tunable parameters for each level of each callback.

While Azagury discusses the actions associated with various callbacks, it also fails to teach or suggest that a system service coordinator that can tune the levels of each type of callback to accommodate the parameters for each service component. As each and every limitation found in claim 1 is neither taught nor suggested in Alfieri, Azagury or Sreenivasan, the Applicants respectfully submit that claim 1 is patentable over Alfieri in view of Azagury in further view of Sreenivasan. Reconsideration of claim 1 is respectfully considered. Claims 5-11 depend from claim 1 and are, for at least the same reasons, patentable over Alfieri in view of Azagury in further view of Sreenivasan.

The Examiner also rejects claims 14, 16, 17, 21-26, 31, 36-39 and 41-50 under 35 U.S.C. § 103(a) as being unpatentable over Alfieri in view of Azagury and rejects claims 3 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Alfieri, Sreenivasan and Azagury in view of U.S. Patent Publication 2002/0152373. The limitations recited in independent claims 14, 31 and 47, as previously discussed, are not taught or suggested by Alfieri or Azagury. As claims that depend from the independent claims retain the limitations of the independent claims, they too are patentable over the cited references. The Applicants respectfully submit, therefore, that claims 14, 16, 17, 21-26, 31, 36-39 and 41-50 and claims 3 and 18, as currently amended and pending, are patentable over the cited references. Withdrawal of the rejections is requested. Based on the aforementioned remarks, the Applicants believe the claims pending in the present application are in condition for allowance which is respectfully requested.

Serial No. 09/886,373

Reply to Office Action of September 29, 2005

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

10 November, 2005

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